

## Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 OMB-01 SAM-01 /071 W

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FM AMEMBASSY TRIPOLI

TO SECSTATE WASHDC 3832

INFO AMEMBASSY CAIRO

AMEMBASSY TUNIS

AMEMBASSY VALLETTA

C O N F I D E N T I A L TRIPOLI 1491

E.O. 11652: GDS

TAGS: PGOV, LY

SUBJ: GENERAL PEOPLE'S CONGRESS DISCUSSES MAJOR REORGANIZATION  
OF LARG

REF: TRIPOLI 1342, TRIPOLI 1473

SUMMARY: QADHAFI PROPOSES BASIC REORGANIZATION OF LARG,  
CHANGE OF ITS NAME. ISLAMIZATION OF LAWS, POPULAR RULE  
WITH ULTIMATE AUTHORITY RESTING IN GENERAL PEOPLE'S  
CONGRESS MAY BE STEP TOWARDS DEMOCRACY IN LIBYA.  
MORE IMMEDIATE EFFECT WOULD BE TO STRENGTHEN RCC CHAIR-  
MAN'S RUN OF COUNTRY. END SUMMARY

1. LIBYA'S GENERAL PEOPLE'S CONGRESS WAS PRESENTED NOV. 23  
WITH COL. QADHAFI'S PLAN FOR A MAJOR REORGANIZATION OF THE  
LIBYAN GOVERNMENT. THE PLAN, OUTLINED BY MINISTER OF  
JUSTICE MUHAMMAD ALI AL-JADI, CALLED FOR SWEEPING  
CHANGES IN PRESENT STRUCTURE OF COUNCIL OF MINISTERS,  
PRIME MINISTERS AND OTHER MINISTERIAL OFFICES.  
THE DRAFT RESOLUTION ALSO PROPOSES THAT THE OFFICIAL  
NAME OF THE GOVERNMENT BE CHANGED TO THE "LIBYAN  
ARAB PEOPLE'S REPUBLIC." THE JUSTICE MINISTRY ALSO  
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PROPOSED THAT THE KORAN REPLACE LIBYA'S PRESENT LEGAL

CODE WHICH IS BASED PRIMARILY ON ITALIAN LAW. THIS PROPOSAL SPARKED HEATED AND SOMETIMES IMPASSIONED DEBATE WHICH COL. QADHAFI UNCHARACTERISTICALLY DID NOT CUT OFF BY IMPLYING A MASTER SWITCH WHICH CONTROLS THE MICROPHONES OF SPEAKERS FROM THE FLOOR. ONE SPEAKER WAS ALLOWED TO EXPRESS HIS FEARS THAT KORANIC LAW WAS NOT APPLICABLE TO BUSINESS. HE ARGUED THAT THE PRESENT CONGRESS HAD NO RIGHT TO DETERMINE LAWS UNDER WHICH ALL LIBYANS MUST LIVE. QADHAFI REPLIED THAT IF MISTAKES WERE CREATED BY THE PRESENT CONGRESS THAN FUTURE SESSIONS WITH DELEGATES EXPRESSING THE PEOPLE'S WILL COULD CHANGE THOSE DECISIONS.

2. LITTLE DEBATE FOLLOWED THE JUSTICE MINISTRY'S RECOMMENDATION THAT DIRECT POPULAR DEMOCRACY SHALL BE THE BASIS OF LIBYA'S POLITICAL SYSTEM IN WHICH THE ULTIMATE AUTHORITY OF THE GOVERNMENT WOULD ALLEGEDLY BE EXERCISED THROUGH THE PEOPLE'S CONGRESSES, COMMITTEES AND TRADE UNIONS. THE PROPOSAL ALSO CALLED FOR ENROLLMENT OF ALL LIBYANS INTO BASIC (NEIGHBORHOOD) CONGRESSES AND THE ELECTION OF THEIR LEADERSHIP COMMITTEES AND SECRETARIES. THESE CONGRESSES REPORTEDLY WILL ELECT COMMITTEES TO CONTROL ALL OF LIBYA'S PUBLIC SERVICES.

3. THE JUSTICE MINISTER ALSO PROPOSED THE CREATION OF LABOR UNIONS SO ITS MEMBERS CAN "DEFEND THEIR PROFESSIONAL RIGHTS."

4. SIGNIFICANTLY, THE JUSTICE MINISTER SUBMITTED A RECOMMENDATION CREATING A GENERAL SECRETARIAT IN THE GENERAL PEOPLE'S CONGRESS. ACCORDING TO THE PLAN THE SECRETARIAT WOULD BE RESPONSIBLE FOR IMPLEMENTING LEGISLATION OF THE CONGRESS. ARTICLE 4 OF THE JUSTICE MINISTRY PLAN POTENTIALLY BODES ILL FOR PM JALLUD (REFTEL). IT CALLS FOR THE ELECTION OF SECRETARY GENERAL AND PRESIDENT OF THE CONGRESS AND GIVES THE CONGRESS THE AUTHORITY FOR THEIR DISMISSAL AND

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THAT OF OTHER SECRETARIES. ANOTHER PROPOSAL CALLS FOR CHANGING THE PRESENT COUNCIL OF MINISTERS INTO THE CONGRESS' GENERAL SECRETARIAT AND DESIGNATING RESPECTIVELY THE PRIME MINISTER AND THE OTHER MINISTERS AS SECRETARY GENERAL AND SECRETARIES. EACH THEORETICALLY WILL BE SUBJECT TO REMOVAL BY THE CONGRESS. FURTHERMORE THE JUSTICE MINISTRY PROPOSAL MAKES EACH SECRETARY (MINISTER) RESPONSIBLE TO THE CONGRESS FOR THEIR PERFOR-

MANCE IN OFFICE. THE JUSTICE MINISTRY ALSO RECOMMENDED THAT THE PRESIDENT OF THE CONGRESS, WHO WILL BE ELECTED BY THAT BODY, SHALL ADMINISTER ITS SESSIONS, SIGN LAWS ADOPTED BY CONGRESS AND ACT AS TITULAR HEAD OF GOVERNMENT FOR RECEIVING CREDENTIALS OF AMBASSADORS TO LIBYA.

5. THE JUSTICE MINISTRY ALSO RECOMMENDED PROPOSALS ON PROCEDURAL MATTERS CONCERNING THE REPLACEMENT OF THE CONGRESS' PRESIDENT WHO BECAUSE OF HIS ABSENCE, OR OTHER "IMPEDIMENT PREVENTING HIM FROM EXERCISING HIS FUNCTIONS, THE CONGRESS SECRETARY GENERAL SHALL TEMPORARILY REPLACE." THE MINISTRY ALSO RECOMMENDED THAT THE COUNTRY'S BUDGET BE ISSUED AND RATIFIED AS LAW BY THE CONGRESS. THE ONLY PROPOSAL THAT DEPARTED FROM THE JUSTICE MINISTRY'S GENERAL REORGANIZATION THEME WAS A RECOMMENDATION THAT THE CONGRESS LEGITIMIZE UNIVERSAL MILITARY SERVICE

(DRAFT ALREADY BEING IMPLEMENTED AS LARG POLICY).  
COMMENT: IF THE CONGRESS APPROVES THE REORGANIZATIONAL PROPOSALS OF QADHAFI, THEN THE COLONEL BELIEVES HE WILL HAVE LEGITIMIZED HIS RULE OF LIBYA ORIGINALLY ACQUIRED BY MILITARY COUP. WHILE OSTENSIBLY THE PROPOSALS WOULD CREATE A DEMOCRATIC FORM OF GOVERNMENT, THEY NEVERTHELESS PROVIDE THE RCC CHAIRMAN WITH A MECHANISM FOR ABOLISHING THE PRESENT RCC. SIGNIFICANTLY, THE KEY POSITIONS OF QADHAFI AS NEWLY NAMED HIGH COMMANDER OF LIBYAN ARMED FORCES, ABU BAKR YUNIS AS COMMANDER-IN-CHIEF OF ARMED FORCES, AND MUSTAFANIZ KHARUBI AS CHIEF OF STAFF DO NOT COME UNDER THE NEW AUTHORITY OF THE GENERAL PEOPLE'S CONGRESS BUT JALLUD'S POSITION AS PRIME MINISTER DOES.

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## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** GOVERNMENT REFORM, REORGANIZATIONS, CENTRAL LEGISLATURE  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 24 NOV 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ellisob  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976TRIPOL01491  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760438-0768  
**From:** TRIPOLI  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761116/aaaaanic.tel  
**Line Count:** 145  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 TRIPOLI 1342, 76 TRIPOLI 1473  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ellisob  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 MAY 2004 by CunninFX>; APPROVED <23 AUG 2004 by ellisob>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GENERAL PEOPLE'S CONGRESS DISCUSSES MAJOR REORGANIZATION OF LARG  
**TAGS:** PGOV, LY, (QADHAFI, MU'AMMAR)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006